

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are related as mutually exclusive species in an intermediate-final production relationship and that the intermediate product (cement composition) is deemed to be useful as a coating, building tile, block, (not just panel), walkway or reinforcing agent in a subterranean formation. However, it can be seen that the invention of Group II, as claimed, is to a product identical to the product claimed in the claims of Groups I, since Claim 4 specifically recites "Product according to one of the preceding claims" and the materials recited as part of the product of Claims 4 and 5 of Group II are found in Claims 1-3 and 6 of Group I. Therefore, the inventions of Groups I and II are not related as mutually exclusive species in an intermediate-final product relationship and the claims of Groups I and II should be rejoined and examined in the present application.

The Examiner further states that the inventions of Groups I and III are related as process of making and product made under M.P.E.P. §806.05(f) and that the panel can be made by other molding methods such as pouring and casting, injection molding, extrusion, etc. However, it can be seen that the process of Group III is a pouring and casting method and there is no evidence on the record that the particular aqueous suspension having at least one hydraulic binder like cement, and synthetic fibers, would be amenable to injection molding or extrusion as a method of making the product of Groups I and II. Therefore, since the Examiner has not set forth a materially different process for making the product, as claimed, the claims of Groups I and III should be rejoined and examined in the present application.

The Examiner states that the inventions of Groups II and III are unrelated. However, since, as stated above, the inventions of Groups I and II are drawn to a panel containing the

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same materials, the above inventions are, in fact, related by the fact that the invention of Group III is a method of making the invention of Group II. Since the Examiner has not set forth that the process, as claimed, can be used to make other and materially different products or that the product, as claimed, can be made by another and materially different process under M.P.E.P. §806.05(f), it is submitted that the inventions of Groups II and III should be rejoined and examined along with the invention of Group I in the present case.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Roland E. Martin
Registration No. 48,0828

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)